

## **Article 4. – EXPLOSIVE MATERIALS**

### **22-4-2 Explosive and blasting agent storage permits.**

(a) All contractors operating in the State of Kansas shall obtain explosive storage site permits before moving, storing or using any explosives or blasting agents at any job site within the state. The appropriate permit shall be issued after the contractor has submitted a completed application form to the authority having jurisdiction in the geographic area in which the contractor is operating. The application form shall be signed by the contractor or designee and the authority having jurisdiction or designee. Application forms shall be available from the state fire marshal's office. The authority having jurisdiction in the geographic area in which the contractor is operating shall issue either a temporary or a permanent explosive storage site permit as applicable.

(b) Before either explosive storage site permit will be issued, the contractor must have a valid explosive user's permit issued by the state fire marshal in accordance with K.A.R. 22-4-1 and any explosive permit required by the U.S. treasury department, bureau of alcohol, tobacco and firearms.

(c) Contractors intending to store in excess of 50 lbs., but not more than 500 lbs. of explosives or blasting agents and who shall be engaged in blasting at a location 90 days or less shall be issued a temporary explosive site permit. Contractors intending to store in excess of 500 lbs. of explosives or blasting agents or engaged in blasting at a location more than 90 days shall be issued a permanent explosive storage site permit.

(d) All storage of explosives or blasting agents shall be in a magazine designed for that purpose as specified in NFPA pamphlet 495 as adopted in K.A.R. 22-4-1. Explosive magazines shall be located on the explosive storage site in accordance with the American table of distances as specified in NFPA pamphlet 495 as adopted in K.A.R. 22-4-1.

(e) Contractors shall notify the authority having jurisdiction at least 24 hours before the delivery of explosives or blasting agents to a storage site or moving explosives from a storage site to the blasting site, and at least 24 hours before vacating the storage site.

(f) Each magazine within the explosive storage site shall be surrounded by a fence or acceptable equivalent approved by the authority having jurisdiction. Weather resistant signs measuring no less than 36 inches in length and 18 inches in height shall be mounted at the explosive storage site in a manner to cause the signs to be visible from all directions to any person entering the site. The signs shall be lettered with six inch fluorescent characters on a white background to read: EXPLOSIVES--KEEP OFF. (Authorized by and implementing K.S.A. 1988 Supp. 31-133; effective Nov. 27, 1989.)

**22-4-3 Definitions.** (a) The term "contractor" means and includes any person, company or corporation that engages

in the manufacture, purchase, inventory, storage and use of explosives or blasting agents within the State of Kansas.

(b) The term "authorities having jurisdiction" means the respective fire department, police department and sheriff's department having jurisdiction over the area where the explosive storage site is located as well as the state fire marshal's office. (Authorized by and implementing K.S.A. 1988 Supp. 31-133; effective Nov. 27, 1989.)

### **22-4-4 Purchase of explosive materials in contiguous**

**state.** (a) A person who holds a valid Kansas explosive user permit may purchase explosive materials from a federally licensed dealer located in a state contiguous to the state of Kansas and may have explosive materials purchased in a contiguous state transported to a properly permitted explosives storage site in Kansas.

(b) A person who holds a Kansas explosives user permit may not transport explosive materials across a state line in that person's own explosives transport vehicle unless that person also holds a valid explosive permit issued by the U.S. treasury department, bureau of alcohol, tobacco and firearms authorizing such activity. (Authorized by and implementing K.S.A. 1989 Supp. 31-133; effective Sept. 17, 1990.)